

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 3:05-cr-012
	:	also 3:07-cv-270
-vs-	:	
	:	District Judge Thomas M. Rose
STEPHEN MOORE,	:	Chief Magistrate Judge Michael R. Merz
	:	
Defendant.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #39), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on August 15, 2007, hereby ADOPTS said Report and Recommendations.

Accordingly, Defendant's Motion to Vacate pursuant to 28 U.S.C. § 2255 is denied without prejudice because it seeks relief not available under that statute. The Clerk will enter judgment to that effect.

August 24, 2007.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge